



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 7679-98
22 March 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 march 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 13 July 1982. You received nonjudicial punishment on four occasions, and were convicted by two special courts-martial. You underwent a pre-separation physical examination on 21 August 1986, and were found physically qualified for separation. You were separated from the Navy with a bad conduct discharge on 21 October 1987. Your request for upgrade of the bad conduct discharge was denied by the Naval Discharge Review Board on 22 November 1999.

The Board noted that with regard to your convictions by special court-martial, it is limited to taking action on the sentence for the purposes of clemency. It was not persuaded that your bad conduct discharge is unjust, or that it should be upgraded as a matter of clemency. As indicated above, you were found physically qualified for separation on 21 August 1986. The Board noted that even if you had been found unfit for duty, you would not have been entitled to disability evaluation processing because a bad conduct discharge takes precedence over such processing.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director